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 TOKYO BROADCASTING SYSTEM, INC.

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

TOKYO BROADCASTING SYSTEM,
 INC., a Corporation registered in Japan,

Plaintiff,

vs.

AMERICAN BROADCASTING
 COMPANIES, INC., et al.,

Defendants.

AND CONSOLIDATED ACTIONS.

LEAD CASE NO. CV 08-06550-
 MAN

(Consolidated with Case No. CV 08-
 06622-MAN)

[Consolidated cases assigned for all
 purposes to Magistrate Judge Margaret
 A. Nagle, Courtroom 580]

**ORDER GRANTING PLAINTIFF
 TOKYO BROADCASTING
 SYSTEM, INC.'S MOTION TO
 COMPEL DOCUMENTS DATED
 AFTER THE COMPLAINT**

Date: May 18, 2010
 Time: 10:00 a.m.
 Department: 580

Date Action Filed: October 6, 2008
 Pretrial Conference: August 31, 2011
 Discovery Cutoff: August 3, 2010
 Trial Date: September 19,
 2011

LEAD CASE NO. CV 08-06550-MAN

ORDER GRANTING PLAINTIFF TOKYO BROADCASTING SYSTEM, INC.'S MOTION TO COMPEL
 DOCUMENTS DATED AFTER THE COMPLAINT

1 The Motion of Plaintiff Tokyo Broadcasting System, Inc. (“TBS”) to Compel
2 Responses to Requests for Production of Documents and Supplemental Responses to
3 Interrogatories Propounded on Defendants American Broadcasting Companies, Inc.
4 (“ABC”) and Endemol USA (“Endemol”) (collectively, “Defendants”) (the “Motion
5 to Compel”) came on regularly for hearing on May 21, 2010 shortly after 10:00 a.m.
6 in Courtroom 580 of the above-entitled Court.

7 The Court directed the parties to meet and confer further regarding
8 Defendants’ production of documents and information dated after October 6, 2008
9 (the date of the Complaint). During a June 2, 2010 telephonic conference called by
10 the Court, the Court again directed the parties to continue the meet and confer
11 process and to lodge a mutually acceptable proposed order no later than June 9,
12 2010.

13 As a result of their meet and confer efforts, the parties have agreed upon a list
14 of categories of documents and information dated after the Complaint, as well as
15 upon a list of search terms that must be used by Defendants in their collection of
16 electronic data that is responsive to such categories. Accordingly, the Court
17 GRANTS the Motion to Compel documents dated after the Complaint to the extent
18 as follows:

19 (a) Defendants are ORDERED to search for and produce all non-privileged
20 documents dated after the date of the Complaint pertaining to the
21 following 7 topics:

- 22 1. The creation of *Wipeout* Seasons 1, 2, and 3 stunts or challenges;
- 23 2. The creation of *Wipeout*;
- 24 3. The pitch of *Wipeout* to ABC;
- 25 4. The casting of John Henson for *Wipeout*;
- 26 5. The hiring of *Wipeout* production staff members Patrick
27 Grandclaudon and CeCe Pleasants;

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1 6. Any use of the search terms “Takeshi’s Castle,” “MXC,” or “Ninja
2 Warrior” in connection with ABC’s keyword advertising for
3 *Wipeout*; and

4 7. The reasons, benefits and/or effect of ABC’s decision to, at times,
5 schedule and promote *Wipeout* with *I Survived a Japanese Game*
6 *Show*.

7 (b) In collecting electronic documents from ABC and Endemol USA
8 custodians who are likely to have documents responsive to the above
9 seven categories, Defendants are ORDERED to use the following search
10 terms:

- 11 1. Takeshi’s;
- 12 2. MXC;
- 13 3. “Most Extreme Elimination Challenge”;
- 14 4. Sasuke;
- 15 5. Ninja;
- 16 6. Kunoichi;
- 17 7. “TBS” and “Wipeout”;
- 18 8. “TBS” and “footage”;
- 19 9. “TBS” and “obstacle”;
- 20 10. “TBS” and “stunt”;
- 21 11. “TBS” and “format”;
- 22 12. “TBS” and “competition show”;
- 23 13. “TBS” and “Japan”;
- 24 14. “Tokyo Broadcasting”;
- 25 15. “Japan” and “Wipeout”;
- 26 16. “Japan” and “footage”;
- 27 17. “Japan” and “obstacle”;
- 28 18. “Japan” and “stunt”;

19. “Japan” and “format”;
20. “Japan” and “competition show”;
21. AdWords;
22. “Keyword” and “ad”;
23. “Keyword” and “Wipeout”;
24. “pitch” within 150 words of “Wipeout”;
25. “John Henson” within 150 words of “cast” or “hire”;
26. “Grandclaudon” within 150 words of “hire”;
27. “Pleasants” within 150 words of “hire”;
28. “I Survived” within 150 words of “Wipeout”;
29. “JGS” within 150 words of “Wipeout”;
30. “Lawsuit” within 150 words of “Wipeout”; and

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31. "Litigation" within 150 words of "Wipeout".

The foregoing limitations on any of TBS's Requests to Defendants are without prejudice.

Margaret A. Nagle

DATED: June 21, 2010

MARGARET A. NAGLE
UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted By:

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